

EXHIBIT W



COMMONWEALTH OF VIRGINIA
OFFICE OF THE COMMONWEALTH'S ATTORNEY
COUNTY OF LOUDOUN

NAME OF THE ACCUSED: Didier Kindambu CASE NO.: JA031006-01-00; -02-00

ATTORNEY FOR THE COMMONWEALTH: Elena Ventura

ATTORNEY FOR THE ACCUSED: Rachel Robinson

MOTION BY THE COMMONWEALTH:

NP

STATEMENT IN SUPPORT OF MOTION:

This case has been pending for some time, as Mr. Kindambu remains in federal custody being prosecuted for fraudulent bank activities in relation to his procurement of loans under the Federal Paycheck Protection Program. It is the Commonwealth's understanding that this procurement coincided in time, approximately, with the offense date in the above captioned matter. Ms. Nsahlai, the complaining witness in the above captioned matter, was arrested on Monday, September 27, 2021, as essentially a codefendant in those fraudulent activities, on one count of Conspiracy to Commit Bank Fraud in violation of 18 USC 1349. The Commonwealth believes that, although Ms. Nsahlai is innocent of those charges until proven guilty, that the credibility and bias issues raised by this arrest make it impossible to secure a conviction against Mr. Kindambu at this time. Further complicating the Commonwealth's ability to sustain their burden is the fact Mr. Kindambu's daughter was in the residence at the time of the incident and would directly contradict Ms. Nsahlai's account. Finally, the Commonwealth doesn't believe it appropriate to attempt to continue this matter on the Court's docket until after the resolution of Ms. Nsahlai's pending criminal matters, considering the length of time that may take. For all those reasons, the Commonwealth moves to NP this matter.